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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 70th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 April 1997, at 6 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

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CLOSURE OF THE SESSION

The meeting was called to order at 6.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1997/L.40, L.46, L.82/Rev.1 and L.94-L.96)

Draft resolution on the situation of human rights in Burundi (E/CN.4/1997/L.82/Rev.1)

1. Mr. ZAHRAN (Egypt), introducing the draft resolution on behalf of the African Group, said that it encouraged the countries that had imposed sanctions on Burundi to evaluate their impact on the situation there, reaffirmed the responsibility of the Government of Burundi to ensure the safety of its population, and called upon it to respect the legal safeguards and standards in the field of human rights and ensure the safety of United Nations staff and other humanitarian personnel and individuals serving in Burundi. It also called for the full deployment, in secure conditions, of the 35 observers to the Human Rights Field Operation in Burundi.

2. As the draft resolution was the result of extensive consultations, he hoped it would be adopted without a vote.

3. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Ireland and the Netherlands, and the observers for Belgium, Norway and Sweden had become sponsors of the draft resolution.

4. Mr. BENITO (Programme Planning and Budget Office), outlining the financial implications of the resolution, said that the deployment of observers, under paragraph 20, and the technical assistance programme, under paragraph 26, would be financed by voluntary contributions. For the one-year extension of the mandate of the Special Rapporteur, under paragraph 27, a provision of $80,000 had been made under section 21 of the programme budget for the 1996-1997 biennium. The requirements for the first quarter of 1998 would be included in the proposed programme budget for the 1998-1999 biennium.

5. Ms. SIMBIZI (Observer for Burundi) appealed to the international community to help her Government restore peace, security and dialogue. She welcomed the recent decision to lift partially the embargo on her country, which had created terrible shortages of medicine, agricultural supplies and fuel; the last of those being particularly serious since it had made it impossible to transport food to the starving population. She thanked the States of the subregion which had realized the importance of facilitating dialogue between Burundians. Her Government welcomed the opportunity to cooperate with the Centre for Human Rights and requested an increase in the number of human rights observers.

6. The draft resolution was adopted.

7. Mr. de ICAZA (Mexico), speaking in explanation of vote with respect to the draft resolution on human rights in Cuba (E/CN.4/1997/L.94), said that international cooperation in the field of human rights should be characterized by objectivity and universality and should take into account the fundamental principles of the Vienna Declaration. His delegation had abstained from voting on the draft resolution out of a wish to avoid further polarization of the situation. If the draft resolution had been voted on paragraph by paragraph, his delegation would have voted against the sixth preambular paragraph, which did not correspond to the decisions of the International Civil Aviation Organization (ICAO), and paragraphs 5 and 8, which dealt with matters that fell exclusively within national sovereignty.

8. Mr. ZAHRAN (Egypt) said that his comments concerned the draft resolutions submitted under agenda item 10 and, more particularly, those which concerned Cuba, Iraq, Iran and Nigeria (E/CN.4/1997/L.40, L.46, L.94 and L.95). His delegation reiterated its call for the fundamental principles of human rights to be respected in all parts of the world and emphasized the complementarity of civil and political rights with economic, social and cultural rights. Those rights must be based on neutrality, respect for the sovereignty of all States and the obligation to refrain from meddling in their internal affairs in accordance with Article 2, paragraph 7, of the Charter.

9. His delegation had abstained from voting on issues on which it had noted the application of a double standard or the introduction of extraneous issues outside the Commission's mandate. If certain draft resolutions adopted by consensus had been voted on paragraph by paragraph, his delegation would have voted against those which called for sending human rights observers to certain countries.

10. Mr. KONISHI (Japan), speaking with regard to the draft resolution on the situation of human rights in East Timor (E/CN.4/1997/L.96), said that his delegation recognized the Indonesian Government's efforts to improve the situation of human rights in the territory but hoped to see greater efforts on the part of the other parties concerned. It was regrettable that the attempts, including those made by his own delegation, to reach agreement on a chairman's statement had been unsuccessful. Since, in addition, the draft resolution did not present a balanced position on some issues, his delegation had abstained from voting on it.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/L.102/Rev.1 and L.111)

Draft resolution on the rights of the child (E/CN.4/1997/L.102/Rev.1 and L.111)

11. Mr. van WULFFTEN PALTHE (Netherlands), introducing the draft resolution (E/CN.4/1997/L.102/Rev.1) on behalf of its sponsors, said that the situation of children in many parts of the world was critical, and there was a need for stronger political will to prevent violations of the rights of the child by implementing legislation and taking effective action. The elimination of discrimination and violence against girls must be an inherent part of that effort.

12. States were called upon to participate constructively in negotiations on the draft optional protocols to the Convention on the Rights of the Child. Since compulsory and free primary education was a key element in the prevention of child labour, States should consider that issue in cooperation with the United Nations Children's Fund (UNICEF) and, in particular, the International Labour Organization (ILO); they should also pay special attention to the plight of street children. The draft resolution also called upon the Secretary-General to implement the General Assembly's recommendation that a special representative on the impact of armed conflict on children be appointed.

13. In the light of the belated amendment proposed by the Philippines (E/CN.4/1997/L.111), the sponsors had agreed to include additional language on children with disabilities in the first preambular paragraph and paragraph 3, subparagraph (b), and looked forward to considering the matter in greater depth during Third Committee consultations at the next session of the General Assembly. The words "disabled children" in paragraph 3, subparagraph (b), of the English text should be replaced by "children with disabilities". It was his understanding that the delegation of the Philippines was willing to withdraw its proposed amendment.

14. Ms. LIMJUCO (Philippines) said tht there were children with disabilities in every country, whether born disabled, maimed by armed conflict or gender-based violence or disabled by poverty, disease and inadequate nutrition or by natural or man-made disasters.

15. At its fifty-first session, the General Assembly had adopted an omnibus resolution on the rights of the child which made no mention of children with disabilities and her delegation's amendment (E/CN.4/1997/L.111) was an attempt to remedy that omission. The proposed additional paragraphs were either direct quotes from, or based on, the resolution on children with disabilities adopted at the 1997 session of the Commission for Social Development. However,

that resolution dealt with the question from the point of view of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and it was essential that the Commission should address the problem from the point of view of human rights.

16. She denied that her delegation had been late in submitting the proposed addition. An initial version had been circulated on 3 April 1997 but, at the request of the delegation of Uruguay, her delegation had agreed not to table it until after consultations, which had been scheduled for 14 April. Those consultations had not taken place and her delegation had been informed that the sponsors of the draft resolution had taken a unilateral decision to reject the proposed additional section on the grounds of late submission. Her delegation had therefore decided to table its proposal in the form of an amendment to the draft resolution.

17. Her delegation was not insensitive, however, to the concern expressed regarding the reopening of a text on which it had been difficult to achieve consensus and, in view of the fact that the revised version of the draft resolution (E/CN.4/1997/L.102/Rev.1) incorporated the basic elements of the Philippine text, it had agreed to withdraw its proposed amendment. It was her understanding, however, that the question of children with disabilities would be fully addressed by the Commission at its fifty-fourth session and by the General Assembly at its fifty-second session.

18. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Angola, Belarus, Benin, Bulgaria, India, Japan, Madagascar, Philippines, Russian Federation, Ukraine and Zimbabwe and the observers for Bolivia, Croatia, Equatorial Guinea, Haiti, Latvia, Malta, Nigeria, Senegal, The Former Yugoslav Republic of Macedonia and Tunisia had become sponsors of the draft resolution.

19. Mr. BENITO (Programme Planning and Budget Office), outlining the financial implications of the draft resolution, said that it requested the Working Group on a draft optional protocol on the sale of children, child prostitution and child pornography and the Working Group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the Commission's next session. The substantive servicing of the Working Groups would be provided by the Office of the High Commissioner/Centre for Human Rights. Conference servicing would be funded by existing resources under section 26 E of the programme budget for the 1996-1997 biennium.

20. Draft resolution E/CN.4/1997/L.102/Rev.1 was adopted.

21. Mr PEREZ OTERMIN (Uruguay) said that the statement by the representative of the Philippines was not in keeping with the facts. The negotiating Group had met in open session for a two-week period.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 13) (continued) (E/CN.4/1997/71)

22. The CHAIRMAN read out a proposed draft decision concerning the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71):

"The Commission on Human Rights, at its 70th meeting, on 18 April 1997, having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71), and in particular sub-heading E.3, chapter II, entitled 'Islamist and Arab anti-Semitism' and the text of paragraph 27 containing an offensive reference to the Holy Qur'an: 'The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source.',

Decides:

1. To express its indignation and protest at the content of such an offensive reference to Islam and the Holy Qur'an,

2. Affirms that this offensive reference should have been excluded from the report, and

3. Requests the Chairman to ask the Special Rapporteur to take corrective action in response to this decision."

23. The draft decision was adopted without a vote.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1997/L.2 and L.105)

24. Mr. GOONETILLEKE (Sri Lanka) said that, after intensive consultations, the sponsors of draft decision E/CN.4/1997/L.2 had agreed to withdraw it and to accept a statement by the Chairman on the matter.

25. The CHAIRMAN read out the proposed statement:

"With a view to enhancing its effectiveness in promoting and protecting human rights, the Commission on Human Rights at its 70th meeting, on 18 April 1997, recognizing the importance of cooperation and consultation, as well as consensus-building, affirmed that, as far as possible, decisions should be made and resolutions adopted without a vote. However, voting, in accordance with the rules of procedure, should take place when an agreement cannot be reached.

The Commission takes note of the results achieved in this field during its fifty-second and fifty-third sessions.

The Commission will continue to keep this matter under review."

26. The Chairman's statement was approved by the Commission.

Draft resolution on restructuring and revitalization of the Commission on Human Rights (E/CN.4/1997/L.105)

27. Mr. REYES (Cuba) said that, following the World Conference on Human Rights, a host of recommendations had been adopted to strengthen United Nations human rights mechanisms. In 1994, a working group had been established to rationalize the agenda and work of the Commission, but had unfortunately not been successful in doing so. Subsequently, the reform process throughout the United Nations had led to a General Assembly resolution entitled "Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields" (A/RES/50/227).

28. His delegation had submitted draft resolution E/CN.4/1997/L.105 since it believed that the establishment of an open-ended inter-sessional working group was the most democratic and effective way of rationalizing the Commission's work. Despite both bilateral and open-ended consultations with interested delegations, however, no consensus had been reached. Consequently, his delegation had decided to propose for the Commission's adoption the following draft decision to replace the draft resolution:

> "The Commission on Human Rights at its fifty-third session decides to defer consideration of the draft resolution entitled 'Restructuring and revitalization of the Commission on Human Rights' (E/CN.4/1997/L.105) to its fifty-fourth session."

29. The draft decision was adopted.

30. The CHAIRMAN invited any delegations that wished to do so to speak in explanation of position.

31. Mr. WU Jianmin (China) said that the cause of the promotion and protection of human rights and fundamental freedoms had nothing to gain and everything to lose from confrontation. The Commission's approval of the Chairman's statement recognizing the importance of cooperation, consultation and consensus-building was thus a positive step.

32. His delegation had three suggestions to make with a view to implementing the Chairman's statement. In the first place, because of the diverse cultural traditions and historical backgrounds of the members of the Commission, it was only natural that they should have different views on human rights. His Government had always opposed the use of human rights as a pretext for interfering in the internal affairs of other States, and it could not accept the use of agenda item 10 to serve political purposes completely unrelated to human rights. The Commission should be a forum for States to exchange views on an equal footing and strengthen cooperation in the field of human rights, rather than a place where some countries imposed their values on others and politicized human rights issues.

33. Secondly, confrontation should be abandoned in favour of a spirit of cooperation, consultation and dialogue with a view to reducing differences, overcoming difficulties and arriving at consensus.

34. Thirdly, the purpose of the reform of the Commission's work should be unambiguous: to reduce politicization and confrontation within the Commission and increase mutual understanding and cooperation, as a contribution to genuine promotion and safeguarding of human rights.

35. Mr. REYES (Cuba) welcomed the agreement reached in the Commission which had made the Chairman's statement possible. In his delegation's view, the Chairman had been speaking not in favour of the status quo but of fostering a genuine spirit of cooperation and dialogue which would further the work of the Commission.

DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FOURTH SESSION OF THE COMMISSION (agenda item 25) (E/CN.4/1997/L.1)

36. The CHAIRMAN drew attention to the draft provisional agenda for the fifty-fourth session of the Commission (E/CN.4/1997/L.1), which contained a list of documents pertaining to each agenda item. The document was entirely technical and indicative in nature and did not involve any action by the Commission. If he heard no objection, therefore, he would assume that the Commission wished to take note of the draft provisional agenda for its fifty-fourth session.

37. It was so decided.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION (agenda item 26) (E/CN.4/1997/L.10 and Add.1-21; E/CN.4/1997/L.11 and Add.1-8)

38. Miss ESCOBAR LOPEZ (El Salvador), Rapporteur, introducing the draft report of the Commission on its fifty-third session, said that, as in the past, it consisted of two parts, a compilation of the 78 resolutions and 26 decisions adopted at the current session, contained in document E/CN.4/1997/L.11 and its Addenda 1-8; and the proceedings, including the general debate and voting under the various agenda items, contained in document E/CN.4/1997/L.10 and its Addenda 1-21. The resolutions and decisions adopted at the last two meetings would be added at a later stage. The draft report was limited to proceedings of a technical nature. Substantive proceedings and statements were to be found in the summary records of the Commission.

39. Because of the change in the Commission's dates and because the forthcoming session of the Economic and Social Council was to be held in July 1997, the report would be issued in two parts. The first part would contain all the resolutions and decisions adopted by the Commission at its fifty-third session (chapter II) and the draft resolutions and decisions to be submitted to the Economic and Social Council for its consideration (chapter I). The second part would contain all the remaining chapters and annexes.

40. She had ventured to make a few changes in the presentation of the report in order to make it easier to read and to reduce its length to a minimum. The report would contain an executive summary of the resolutions and decisions adopted at the current session, with voting results and the relevant

references for the consideration and adoption of resolutions and decisions. The officers of the fifty-fourth session could either maintain or amend it as they saw fit. She requested that any members who wished to submit corrections should do so by 5 May 1997.

41. The CHAIRMAN said that, as in the past, the draft report would be adopted ad referendum, on the understanding that it would be finalized by the Rapporteur with the assistance of the Secretariat. If he heard no objection, he would take it that the Commission agreed to that procedure.

42. It was so decided.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT TRAGIC ACCIDENT IN SAUDI ARABIA

43. The CHAIRMAN said that he had learned with great sadness of the tragic accident in Saudi Arabia which had left several hundred pilgrims dead and over 1,000 injured. On behalf of all the members of the Commission, he wished to express his profound sympathy and condolences to the bereaved families and to all Muslims observing the holy day of the Islamic faith.

CLOSURE OF THE SESSION

44. Mr. ZACKLIN (Officer-in-Charge, Centre for Human Rights) said that the Commission's fifty-third session had been marked by the departures of Mr. Ayala-Lasso, the High Commissioner for Human Rights, and of Mr. Fall, the Assistant Secretary-General for Human Rights. During the three years of his mandate, Mr. Ayala-Lasso had opened up new avenues towards strengthening the promotion and protection of human rights everywhere. The dialogue and cooperation he had initiated and pursued with Governments had made it possible to carry out a multitude of activities as part of an integrated approach to enhancing the promotion and protection of civil, cultural, political and social rights and preventing their violation.

45. The United Nations human rights programme had thus been able, as far as its human and financial resources permitted, to deal with emergency situations, undertake prevention activities, provide technical assistance at the request of Governments to strengthen democracy and the rule of law, promote the establishment and reinforcement of national human rights institutions and conduct training and education programmes in human rights. Links with the United Nations agencies and programmes had been reinforced, while new partnerships had been established between regional organizations and the Centre for Human Rights.

46. The opening of the High Commissioner's field offices provided tangible evidence of the cooperation established with States. Their objective was to make human rights a reality wherever they were established while they also played a fundamental role in coordinating activities with Governments, United Nations departments and agencies and non-governmental organizations (NGOs).

47. The Commission's fifty-third session had also been marked by the presence of the Secretary-General, who had testified to the importance he attached to its work, saying that the human rights activities of the United Nations were a component of his own action in the sphere of preventive diplomacy.

48. The World Conference on Human Rights had made the close link between human rights, development and democracy, the three components of lasting peace, the centre of its reflections and decisions. It was that link which would enable the international community to meet the challenges of the world of the future. It was also that link which had led the Conference to recommend the adaptation of the United Nations human rights machinery to the current and future needs of the promotion and protection of those rights.

49. In the same context, the objective of the proposed reform of the Centre for Human Rights was greater efficiency and transparency for all the activities and mandates of the United Nations human rights programme, especially those entrusted to the Commission on Human Rights.

50. One of his own highest priorities was to finalize the restructuring of the Centre for Human Rights so that the process already initiated could be concluded as swiftly as possible. It was vital that the new High Commissioner for Human Rights should be able to take up his or her duties in a clearly established administrative and budgetary framework.

51. The fiftieth anniversary of the Universal Declaration of Human Rights in 1998 would be a historic opportunity for the Commission to reflect on the progress it had made since 1948 but also to consider how it could reinforce the action of the international community for the promotion and protection of human rights. The same year would see an evaluation of the five years of implementation of the Vienna Declaration and Programme of Action. The Commission on Human Rights would be the first body to consider that crucial question and the preparation of the pertinent reports must be a matter of priority for all States, international and regional organizations, national human rights institutions and the NGO community.

52. The statistics of the fifty-third session of the Commission, in terms of numbers of delegates, statements and resolutions and decisions adopted, reflected the increasing importance of human rights in the dialogue between the members of the international community. They also demonstrated the intense activity of the Commission which had laid the groundwork for future developments. The session had underlined the need to pursue efforts in the future and to bear in mind that the promotion and protection of human rights was an ongoing and universal process. Pressing challenges for the future included the realization of the right to development, the fight against racism and racial discrimination and the promotion and protection of the rights of women, children, indigenous populations and migrant workers.

53. The CHAIRMAN said that the common aim of participants in the Commission's fifty-third session had been to do something useful, to make progress in the universal awareness of human rights and to continue what had

been started in previous years to protect and promote human rights. The work done in plenary meetings was merely the tip of the iceberg when compared with the hours spent in informal negotiations and consultations.

54. As in previous years, a wide range of human rights issues had been discussed and over a hundred draft resolutions and decisions negotiated. It was logical to ask whether the fifty-third session had been more successful than the previous session, whether it had contributed to the protection and promotion of human rights and whether its current working methods were the right means of addressing problems of human rights and fundamental freedoms throughout the world.

55. While it was too early to assess the outcome of the session, no major failures had been registered and there had been few new resolutions. It was a realistic assumption that, in many cases, the Commission's members had merely done their routine work of presenting the official positions of Governments concerning the various procedures and of confirming existing mandates, establishing new mandates and asking for new reports. He wondered whether that was sufficient in the current global situation and felt sure that many people throughout the world had expected more.

56. At the beginning of the session, it had been suggested by a number of speakers that the Commission should avoid politicization, double standards and selectivity in its deliberations; regrettably, it had not been fully successful in that respect. Human rights situations in many countries and regions were very sensitive and it was no surprise that many statements had had a strong political accent.

57. In discussions on relations between countries or on regional conflicts or problems, the Commission had looked, with varying degrees of success, for common denominators with respect to country-oriented or thematic issues. The sensitive issue of the best approach in the Commission to the country-oriented resolutions and decisions would definitely be discussed in the near future in an endeavour to achieve more effective results.

58. An innovative development had been the biennialization of certain resolutions by the consensual adoption of brief decisions, thus saving work on resolutions which had hitherto been presented annually. That trend deserved further evaluation in order to assess the extent to which it would contribute to rationalizing the Commission's future work.

59. In connection with the report of the United Nations High Commissioner for Human Rights, he wished to express his appreciation of the efforts that Mr. Ayala-Lasso had made to strengthen United Nations activities in the field of human rights and the constructive manner in which he had exercised his mandate.

60. The question of the need for changes in the Commission's method of work was always present when substantive issues were discussed. It was his hope that the inter-sessional work of the informal group of friends of the Chair would provide some new ideas and possible solutions. He had, in fact, invited a number of representatives of member States to work with him on the issue of the reform of the Commission. In the course of the session, it had been

observed that the structure of the Commission agenda, time-management issues, relations between the intergovernmental and non-governmental segments of the Commission and the negotiating mechanisms were some of the areas in which the Commission's methods of work needed to be reconsidered and improved.

61. The group had already agreed to base its discussions on the evaluation of the outcome of the fifty-third session of the Commission and to establish priorities among the various issues. Its work would continue into the year of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and he was certain that some positive results would emerge.

62. After the customary exchange of courtesies, he declared the fifty-third session of the Commission on Human Rights closed.

The meeting rose at 8.30 p.m.